

friend who wanted the drugs; that when a customer would come to the medical office to buy the drugs, he would be required to make his request known to the receptionist, or to one of the defendants, or to one of the other persons employed at the medical office, to the effect that a customer who wanted *amphetamine sulfate tablets* would say that he wanted "reducers" or "50," and a customer who wanted *pentobarbital sodium capsules* or *secobarbital sodium capsules* would say that he wanted "sleepers" or "30"; that a customer would commonly ask for "reducers and sleepers" or for "50 and 30"; and that the defendants would sell to the customer the drugs requested by the customer, without any medical history, physical examination, or laboratory determination, without ascertaining whether the customer had any bona fide need for such drugs, or whether the use of the drugs might involve danger to the health of the customer, without checking to determine whether the customer was becoming addicted to or dependent upon such drugs, without taking the initiative in suggesting medication, or any course of therapy, and without establishing a bona fide doctor-patient relationship; and, that in pursuance of the conspiracy and to effect the objects thereof, the defendants committed various overt acts including the selling of quantities of *amphetamine sulfate tablets*, *pentobarbital sodium capsules* and *secobarbital sodium capsules* without prescription, at various times between 4-27-55 and 2-23-56.

The indictment alleged also in counts 2-20 that, between 4-11-55 and 3-14-56, *amphetamine sulfate tablets* (counts 2, 4, 5, 7, 8, 10, 11, 12, 14, 16, 18, and 20) were dispensed 12 times, *pentobarbital sodium capsules* (counts 3, 6, 9, 17, and 19) were dispensed 5 times and *secobarbital sodium capsules* (counts 13 and 15) were dispensed twice without a prescription.

PLEA: Not guilty by Fakehany to all counts of the indictment; by Pearl to counts 1, 12, 13, 14 and 15; and by Braddock to counts 1, 8, 9, 10 and 11.

DISPOSITION: The case came on for trial before the court and jury on 8-5-58, and was concluded on 8-21-58, with the return by the jury of a verdict of guilty. On 9-15-58, the court fined Fakehany \$2,000 and Braddock \$500, which fines were suspended. The court also placed Braddock and Pearl on probation for 1 year.

5698. (F.D.C. No. 41727. S. Nos. 65-522 M, 65-524/5 M.)

INFORMATION FILED: 7-8-58, E. Dist. Ky., against Irene Hammonds Garrett, Lexington, Ky.

CHARGE: Between 8-21-57 and 10-7-57, *Dexedrine Sulfate tablets* were dispensed 3 times without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came to trial before a jury on 3-19-59, and was terminated by a verdict of guilty on 3-20-59. On the same day, the court imposed a sentence of 6 months and 10 days in jail.

5699. (F.D.C. No. 41768. S. Nos. 82-261/5 M.)

INFORMATION FILED: 9-23-58, S. Dist. Tex., against Earsel H. Becton, t/a Burbank Pharmacy, Houston, Tex.

CHARGE: Between 11-2-57 and 11-8-57, *prednisone tablets* were dispensed twice, and *thyroid tablets*, *sulfisoxazole tablets*, and *penicillin tablets* were each dispensed once without a prescription.

PLEA: Not guilty.

**DISPOSITION:** On 2-9-59, the case came to trial before a jury and was terminated by a verdict of guilty. On 2-16-59, the court imposed a \$200 fine, and the defendant was given a 6 month suspended jail sentence and placed on probation for 3 years.

**5700.** (F.D.C. No. 41753. S. Nos. 53-883/4 M, 53-886/7 M, 53-889 M.)

**INFORMATION FILED:** 4-22-59, S. Dist. Tex., against Seymour J. Sanov, t/a MacGregor Pharmacy, Houston, Tex.

**CHARGE:** Between 5-3-57 and 5-9-57, *Equanil tablets* were dispensed twice and *Meticorten tablets*, and *Gantrisin tablets* were each dispensed once without a prescription, and *penicillin tablets* were dispensed once upon request for a prescription refill without authorization from a prescriber.

**PLEA:** Not guilty.

**DISPOSITION:** On 7-8-59, the case came to trial before the court without a jury and at the conclusion of the trial the defendant was found guilty. On 7-20-59, the defendant was fined \$250.

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<sup>1</sup> (5695, 5697-5700) Prosecution contested.

<sup>2</sup> (5680) Prosecution contested. Contains opinion of the court.